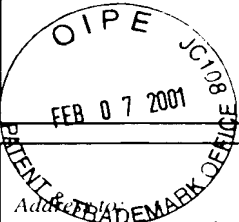


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| | | | |
|--|--|----------------------|---|
|  <p>Assistant Commissioner for Patents Box CPA Washington, DC 20231</p> | CONTINUED PROSECUTION APPLICATION (CPA) REQUEST TRANSMITTAL Submit an original, and a duplicate for fee processing. (Only for Continuation or Divisional applications under 37 CFR 1.53(d)) | | CHECK BOX if applicable: <input type="checkbox"/> DUPLICATE |
| | Attorney Docket No. of Prior Application | 1488.1090000/EKS/GLL | |
| | First Named Inventor | LIBERMANN et al. | |
| | Examiner Name | Priebe, S. | |
| | Group/Art Unit | 1632 | |
| Express Mail Label No. | | | |

This is a request for a ☒ continuation or ☐ divisional application under 37 CFR § 1.53(d), (continued prosecution application (CPA)) of the prior application number 09/126,945, filed on July 31, 1998 entitled: Prostate Derived Ets Factor.

NOTES

FILING QUALIFICATIONS: The prior application identified above must be a nonprovisional application that is either: (1) complete as defined by 37 CFR § 1.51(b) or (2) the national stage of an international application in compliance with 35 U.S.C. 371. Effective May 29, 2000, a CPA may only be filed in a utility or a plant application if the prior nonprovisional application was filed before May 29, 2000. A CPA may be filed in a design application regardless of the filing date of the prior application. See "Request for Continued Examination Practice Changes to and Provisional Application Practice," Final Rule, 65 Fed. Reg. 50092 (Aug 16, 2000); Interim Rule, 65 Fed. Reg. 14865 (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office (Apr. 11, 2000).

C-I-P NOT PERMITTED: A continuation-in-part application cannot be filed as a CPA under 37 CFR § 1.53(d), but must be filed under 37 CFR § 1.53(b).

EXPRESS ABANDONMENT OF PRIOR APPLICATION: The filing of this CPA is a request to expressly abandon the prior application as of the filing date of the request for a CPA. 37 CFR § 1.53(b) must be used to file a continuation, divisional, or continuation-in-part of an application that is not to be abandoned.

ACCESS TO PRIOR APPLICATION: The filing of this CPA will be construed to include a waiver of confidentiality by the application under 35 U.S.C. 122 to the extent that any member of the public who is entitled under the provisions of 37 CFR § 1.14 to access to, copies of, or information concerning, the prior application may be given similar access to, copies of, or similar information concerning, the other application or applications in the file jacket.

35 U.S.C. 120 STATEMENT: In a CPA, no reference to the prior application is needed in the first sentence of the specification and none should be submitted. If a sentence referencing the prior application is submitted, it will not be entered. A request for a CPA is the specific reference required by 35 U.S.C. 120 and to every application assigned the application number identified in such request, 37 CFR § 1.78(a).

Warning: Information on this form may become public. Credit Card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

1. ☒ Enter the unentered amendment previously filed on November 7, 2000 under 37 CFR § 1.116 in the prior nonprovisional application.
2. ☒ A preliminary amendment is enclosed.
3. This application is filed by fewer than all the inventors named in the prior application, 37 CFR § 1.53(d)(4).
 - a. ☐ **DELETE** the following inventor(s) named in the prior nonprovisional application:
.....
 - b. ☐ The inventor(s) to be deleted are set forth in a separate sheet attached hereto.
4. ☐ A new power of attorney or authorization of agent (PTO/SB/81) is enclosed.
5. Information Disclosure Statement (IDS) is enclosed:
 - a. ☒ PTO-1449
 - b. ☒ Copies of IDS citations

[Page 1 of 2]

Burden Hour Statement: this form is estimated to take 0.4 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box CPA, Washington, DC 20231.

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| CLAIMS | (1) FOR | (2) NUMBER FILED | (3) NUMBER EXTRA | (4) RATE | (5) CALCULATIONS |
|--|---------|------------------|------------------|---|------------------|
| TOTAL CLAIMS (37 CFR § 1.16(c) or (j)) | | 124-124 = | 0 | x \$ 18.00 = | 0 |
| INDEPENDENT CLAIMS (37 CFR § 1.16(b) or (i)) | | 12-12 = | 0 | x \$ 80.00 = | 0 |
| MULTIPLE DEPENDENT CLAIMS (if applicable) (37 CFR § 1.16(d)) | | | | x \$ 270.00 = | |
| | | | | BASIC FEE (37 CFR § 1.16) | \$ 710.00 |
| | | | | Total of above Calculations = | \$710.00 |
| | | | | Reduction by 50% for filing by small entity (Note 37 CFR 1.27). | |
| | | | | * Reissue claims in excess of 20 and over original patent. ** Reissue independent claims over original patent. | |
| | | | TOTAL = | \$710.00 | |

6. ☐ Small entity status: Applicant claims small entity status. See 37 CFR 1.27.
7. The Commissioner is hereby authorized to credit overpayments or charge the following fees to Deposit Account No. 19-0036:
- a. ☒ Fees required under 37 CFR § 1.16.
- b. ☐ Fees required under 37 CFR § 1.17.
- c. ☐ Fees required under 37 CFR § 1.18.
8. ☒ A check in the amount of \$1,600.00 is enclosed.
9. ☐ Payment by credit card. Form PTO-2038 is enclosed.
10. ☐ Applicant requests suspension of action under 37 CFR 1.103(b) for a period of _____ months (not to exceed 3 months) and the fee under 37 CFR 1.17(i) is enclosed.
11. ☐ New Attorney Docket Number, if desired _____
[Prior application Attorney Docket Number will carryover to this CPA unless a new Attorney Docket Number has been provided herein.]
12. a. ☐ Receipt For Facsimile Transmitted CPA (PTO/SB/29A)
- b. ☒ Return Receipt Postcard (Should be specifically itemized. See MPEP 503)
13. ☒ Other: A Petition for the Extension of Time for the Parent Application

NOTE: The prior application's correspondence address will carry over to this CPA UNLESS a new correspondence address is provided below.

14 NEW CORRESPONDENCE ADDRESS

☒ Customer Number or Bar Code Label

(Insert here)  bar code label

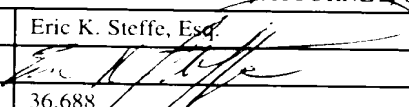
or ☐ New correspondence address below

26111

PATENT, TRADEMARK OFFICE

| | | | | | |
|---------|---|----------|--|--|--|
| Name | Sterne, Kessler, Goldstein & Fox P.L.L.C. | | | | |
| Address | | | | | |
| City | State | Zip Code | | | |
| Country | Telephone | Fax | | | |

15. SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

| | |
|----------------------------------|---|
| Name (Print/Type) | Eric K. Steffe, Esq. |
| Signature |  |
| Registration No.(Attorney/Agent) | 36,688 |
| Date | February 7, 2001 |

157
218
122

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:
LIBERMANN *et al.*
Appl. No. 09/126,945
Filed: July 31, 1998
For: **Prostate Derived Ets Factor**



Art Unit: 1632
Examiner: Priebe, S.
Atty. Docket: 1488.1090000/EKS/GLL

Preliminary Amendment and Reply

Commissioner for Patents
Washington, D.C. 20231

Sir:

It is respectfully requested that the following amendment to the claims be entered in advance of substantive examination. In reply to the Advisory Action and Attachment mailed November 22, 2000 (Prosecution File Wrapper Paper No. 22), Applicants submit the following remarks.

It is not believed that extensions of time or fees for net addition of claims are required beyond those that may otherwise be provided for in documents accompanying this paper. However, if additional extensions of time are necessary to prevent abandonment of this application, then such extensions of time are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required therefor (including fees for net addition of claims) are hereby authorized to be charged to our Deposit Account No. 19-0036.